

**REMARKS**

The Office Action mailed July 23, 2008 has been reviewed and carefully considered and entry of this Amendment is respectfully requested.

Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested

Claims 1-21 are pending and stand rejected.

Claims 1, 3, 11, 12, 14, 15 and 19 have been amended. Claim 13 has been cancelled.

Claims 15, 16, 19 and 20 stand rejected under 35 USC 102(e) as being anticipated by Rapaport (USP no. 5,890,152).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, independent claims 15 and 19 have been amended to further recite a filtering step that includes explicit and implicit filtering wherein explicit filtering provides filtering from information from said plurality of different media collections and said implicit filtering draws from collaborative data among said plurality of different media collections and similar user profiles. No new matter has been added. Support for the amendment may be found at least on page 16, lines 8-14 and page 20, lines 6-7.

Rapaport discloses a personal feedback browser and personal profile database wherein the browser selects media files based on user-specified information. Rapaport further discloses an evaluation software program for evaluating media files based on the personal profile database and that the personal profile data based is adjusted based on user selection and absorption of the media files.

However, Rapaport fails to disclose an implicit filtering step that draws from collaborative data among said plurality of different media collections and similar user profiles, as is recited in the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

Rapaport cannot be said to anticipate the subject matter recited in the independent claims, as Rapaport fails to expressly or inherently describe each and every element recited in the independent claim.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of the remaining claims, these claims ultimately depend from the independent claims and, thus, the remaining dependent claims are also allowable by virtue of their dependence from an allowable base claim, without arguing the merits of each claim individually.

Claim 1-14, 17, 18 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Rapaport in view of Freeman (USP no. 5, 861, 152).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, independent claim 1 has been amended to further recite a filtering step that includes explicit and implicit filtering wherein explicit filtering provides filtering from information from said plurality of different media collections and said implicit filtering draws from collaborative data among said plurality of different media collections and similar user profiles. This amendment is similar to the amendment made in claim 15.

Freeman discloses an interactive computer system that operates on a computer network. Subscribers interact with a fully interactive program through the use of input devices and a personal computer or television. Freeman is recited for teaching that the information for a media collection may be obtained from a broadcasted television signal. Freeman, however, fails to provide any teaching regarding an implicit filter as is recited in the claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Rapaport and Freeman, as neither reference discloses or suggests an implicit filtering, as is recited in the claims.

For the amendments made to the independent claim 1 and for the remarks made herein, applicant submits that the combination of Rapaport and Freeman fails to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claims is not render obvious. Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.

With regard to the rejection of the remaining claims, these claims depend from independent claim 1, and, hence, these claims are not rendered obvious by the combination of Rapaport and Freeman, for at least their dependency upon an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

Amendment  
Serial No. 09/408,794

Docket No. PHA 23790 US

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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Date: September 19, 2008

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